

1 JOSEPH P. RUSSONIELLO (CABN 44332)
2 United States Attorney

3 BRIAN J. STRETCH (CABN 163973)
4 Chief, Criminal Division

5 SUSAN R. JERICH (CSBN 188462)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102
9 Telephone: (415) 436-7158
10 Facsimile: (415) 436-6982
11 Email: susan.jerich@usdoj.gov

12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) No.: CR 08-676 VRW
17 Plaintiff,) PARTIES' STIPULATION AND
18 VS.) PROPOSED ORDER CONTINUING
19 MIGUEL MURILLO, SR.,) DATE FOR CHANGE OF PLEA
20 MIGUEL MURILLO, JR.,)
21 Defendants.)

22 The parties stipulate and agree, and the Court finds and holds, as follows:

23 1. The parties made their initial appearance before this Court on the instant case

24 November 6, 2008. At that time, the parties requested December 18, 2008 as a date for change
25 of plea in the matter.

26 2. Government counsel recently received a communication from counsel for Miguel Murillo,
27 Sr., regarding the proposed plea agreement. Government counsel requires additional time to
28 consider the request and discuss it with defense counsel.

29 3. Accordingly, the parties jointly request that the matter be calendared for change of
30 plea on January 22, 2009 and that the December 18, 2008 date be vacated.

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4. The parties further request that time be excluded in the interim time period due to the effective preparation of counsel. See 18 U.S.C. §§ 3161(h)(1)(F) and 18 U.S.C. § 3161(h)(8)(A), (B)(iv). The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

5. It is therefore the request of both parties that the matter be continued until January 22, 2009 for status.

SO STIPULATED.

DATED: December 16, 2008

Respectfully Submitted,

/s/
SUSAN R. JERICHE
Assistant United States Attorney

DATED: December 16, 2008

/s/
DOUGLAS HORNGRAD
Counsel for Defendant Miguel Murillo, Jr.

DATED: December 16, 2008

/s/
ANN C. MOORMAN
Counsel for Defendant Miguel Murillo, Sr.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 12/16/2008

HON. VAUGHN R. WALKER
Chief Judge, United States Court of Appeals for the District of Columbia Circuit



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Parties' Stipulation and Proposed Order in the case of United States v. Miguel Murillo, Sr. CR 08-676 VRW. was served today as follows:

Via email and facsimile delivery
Douglas Horngrad, 415-397-9519

Ann C. Moorman, 707-468-0522

I certify under penalty of perjury that the foregoing is true and correct.

Executed on 12/16/2008 at San Francisco, California.

/s/
Sheryl Castillo
United States Attorney's Office